

May 28, 2002

MEMORANDUM TO: William D. Travers
Executive Director for Operations

Karen D. Cyr
General Counsel

FROM: Annette L. Vietti-Cook, Secretary **/RA by Andrew L. Bates
Acting For/**

SUBJECT: STAFF REQUIREMENTS - COMSECY-02-0015 -
WITHHOLDING SENSITIVE HOMELAND SECURITY
INFORMATION FROM THE PUBLIC

The Commission has approved the proposed criteria for withholding certain sensitive homeland security information from the public, subject to the following comments.

1. The staff should review our processes and procedures for implementing Section 147 of the Atomic Energy Act for controlling safeguards information to ensure that information falling into this category is clearly defined and then is carefully protected. OGC should work to refine and expand the existing criteria to protect information under Section 147 of the Atomic Energy Act as safeguards information.
2. After applying these criteria to those documents withdrawn from the NRC external web page, the public library of ADAMS, and in the public document room (second bullet in COMSECY-02-0015), the staff should perform a limited audit of the public library of ADAMS to provide reasonable assurance that information deemed sensitive is not publicly available in ADAMS. The staff can perform this review by selecting a few sensitive words or phrases from those documents withheld in searching the public library of ADAMS.
3. The staff will need to re-evaluate this guidance and these criteria as the Office of Homeland Security continues to further clarify the definition of "Sensitive Homeland Security Information." This guidance and these criteria should continue to be viewed as part of a work-in-progress.
4. OGC should remain fully involved in the process to provide insight and consistency regarding use of the phrases and terminology such as "clearly would", "could be expected to", "could reasonably be foreseen to cause significant harm", and "clear and significant" as these terms bear on the release of information.
5. Upon the completion of item 1 above, the staff should work with our licensees to explain how this new homeland security classification differs from the safeguards classification

contained within our regulations.

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CFO
OCA
OIG
OPA
PDR